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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/944,049	
	Filing Date	August 30, 2001	
	First Named Inventor	Schall, Thomas J.	
	Group Art Unit	1645	
	Examiner Name		
Total Number of Pages in This Submission	1	Attorney Docket Number	019934-002510US

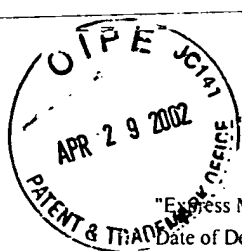
ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Response to Notice of Incomplete Reply copy of Notice of Incomplete Reply copies of previously filed postcard (date stamped); Transmittal Form; Fee Transmittal; Petition for Extension of Time; Declaration; Power of Attorney; Small Entity Declaration and Statement Under 37 CFR 3.73(b)
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP Scott L. Ausenhus Reg. No. 42,271
Signature	
Date	April 29, 2002

CERTIFICATE OF EXPRESS MAILING		
Express Mail Label: EL 889368921 US I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date April 29, 2002 and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231		
Typed or printed name	Maisie C. Livengood	
Signature		Date April 29, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. DE 7069292 v1

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Date of Deposit April 29, 2002

PATENT
Attorney Docket No.: 019934-002510US

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Assistant Commissioner for Patents
Washington, D.C. 20231

By:


Maisie C. Livengood

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHALL and PENFOLD

Application No.: 09/944,049

Filed: August 30, 2001

For: INHIBITION OF CMV
INFECTION AND
DISSEMINATION

Examiner: Not yet assigned

Art Unit: 1645

RESPONSE TO NOTICE OF
INCOMPLETE REPLY
(NONPROVISIONAL)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is being filed in response to the Notice of Incomplete Reply mailed March 21, 2002. According to the Notice, a declaration was not filed with the response to Missing Parts filed February 11, 2002. In response, copies of the materials that were filed on February 11, 2002, including the declaration, are enclosed herewith. Further, a date-stamped postcard showing receipt of all of these items, including the declaration, by the U.S. Patent Office on February 26, 2002, is also enclosed. Please note that the sequence listing materials required in response to the Notice of Missing Parts were sent separately to Box Sequence and were received by the U.S. Patent Office on February 19, 2002.

In view of this evidence demonstrating timely receipt of the alleged missing declaration by the U.S. Patent Office, it is requested that the holding of incomplete reply be removed, that the application be accorded its original filing date, and that the processing of the application resume.

SCHALL and PENFOLD
Application No.: 09/944,049
Page 2

PATENT

Applicants believe that no fee is due with respect to this Response. If, however, a fee is due, please charge such fee to deposit account 20-1430.

If there are any questions regarding this matter, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Scott L. Ausenhus
Reg. No. 42,271

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
SLA
DE 7069002 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

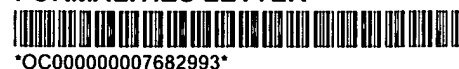
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/944,049	08/30/2001	Thomas J. Schall	019934-002510US

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 8353

FORMALITIES LETTER



Date Mailed: 03/21/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 02/19/2002 to the Notice to File Missing Parts (Notice) mailed 10/01/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.


The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

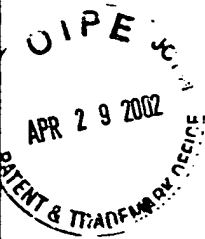
The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Initials: SLA/mcl

Date: February 11, 2002

PTO Stamp indicates receipt of: ☒ Patent Matter ☐ Trademark Matter

Application Docket No.: 019934-002510US

Applicant: Schall et al.

Title or Mark: Inhibition of CMV Infection and Dissemination

Serial/Reg. No.: 09/944,049

Filed/Issued Date: August 30, 2001

☒ Certificate of Mailing

___ No. of Pages in Specification

☐ Express Mail No.

___ No. of Pages in Drawings

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

- | | |
|-----------------------------------|---|
| 1. Transmittal Form | 6. Small Entity Statement |
| 2. Fee Transmittal | 7. Statement Under 37 CFR 3.73(b) |
| 3. Petition for Extension of Time | 8. copy of Notice to File Missing Parts |
| 4. Declaration | |
| 5. Power of Attorney | |

Initials: SLA/mcl

Date: February 11, 2002

PTO Stamp indicates receipt of: ☒ Patent Matter ☐ Trademark Matter

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Serial/Reg. No.: 09/944,049

Filed/Issued Date: August 30, 2001

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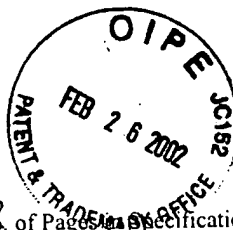
___ No. of Pages in Specification

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___ No. of Pages in Drawings

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| 5. Power of Attorney | |



REC'D
MAR 19 2002

MAR 19 2002

APR 29 2002
PATENT & TRADEMARK OFFICE

PTO/SB/21 (08-00)

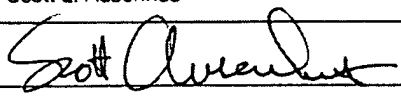
Approved for use through 10/31/2002. OMB 0651-0031

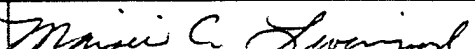
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	Filing Date	August 30, 2001	
	First Named Inventor	Schall, Thomas J.	
	Group Art Unit	1645	
	Examiner Name		
Total Number of Pages in This Submission	1	Attorney Docket Number	019934-002510US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard; Declaration; Power of Attorney; Verified Statement Claiming Small Entity Status; Statement Under 37 CFR 3.73(b); copy of Notice to File Missing Parts - the Communication Under 37 CFR 1.821-1.825 and Preliminary Amendment; Sequence Listing (paper and CFR) were filed with Box Sequence
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP Scott L. Aussenhus Reg. No. 42,271
Signature	
Date	February 11, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: February 11, 2002	
Typed or printed name	Maisie C. Livengood
Signature	 Date February 11, 2002

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APR 29 2002
PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number 09/944,049
Filing Date August 30, 2001
First Named Inventor Schall, Thomas J.
Examiner Name Not yet assigned
Group Art Unit 1645

TOTAL AMOUNT OF PAYMENT (\$) 1525

Attorney Docket No. 019934-002510US

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	185	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	180	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$370)

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
76	6		56	\$9	\$504
			3	\$42	\$128

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$630)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	460
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

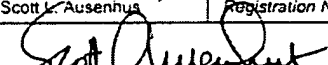
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$525)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Scott L. Aussenhus	Registration No. (Attorney/Agent)	42,271	Telephone	303-571-4000
Signature		Date	02-11-02		

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